

In the United States Patent and Trademark Office

First/Sole Applicant: DALLAS L. CLOUATRE
Joint/Second Applicant: x Spinearth, Inc.
Title: "Enteral Delivery of (-)-Hydroxybutyric Acid"

Small Entity Declaration—Small Business Concern

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an officer of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Metabolic Formulations Inc.
Address of Concern: 20885 Redwood Road, Suite 325
Castro Valley, CA 94546

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121, for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above entitled invention of the above applicants and the specification filed herewith.

I acknowledge a duty to file, in the above application for patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dallas L. Clouatre 09/11/03
Signature of Officer of Small Business Concern Date
DALLAS L. CLOUATRE, Director
Name and Title of Officer
DALLAS L. CLOUATRE
Address of Officer 1247 LINCOLN BLVD #112
SANTA MONICA, CA 90401

Declaration for Utility or Design Patent Application

As a below-named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name and that I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, the specification of which is attached hereto and which has the following title:

Enteral Delivery of (-) Hydroxyglutric Acid

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration. I acknowledge a duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please send correspondence and make telephone calls to the First Inventor below.

Signature: Sole/First Inventor: Dallas L Clouatre
Print Name: DALLAS L. CLOUATRE Date: 09/11/03
Legal Residence: * SANTA MONICA, CA Citizen of: USA
Post Office Address: DALLAS L CLOUATRE
1247 LINCOLN BLVD #112
SANTA MONICA, CA 90401
Telephone: 310/650-0474

Signature: Joint/Second Inventor: James M. Dunn, Sr.
Print Name: JAMES M. DUNN Date: 09/11/03
Legal Residence: * LITTLETON, CO Citizen of: USA
Post Office Address: 3236 E. HINSDALE PLACE
LITTLETON, CO 80122
Telephone: 303/770-1312

* City and state, county and state or city, state and country, if foreign.